

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Guy Pfalzgraff and Ed Sisson, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the minutes of January 4, 2011, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Speaking in favor of adoption of Council Bill #1, 2011, which would prohibit operation of medical marijuana businesses in the City, were Orville Proctor, Larry Proctor, Polly Proctor, and Hartland Clubb.

Speaking against the adoption of Council Bill #1, 2011, were Ron Jackson, Jessica Moore, Christina Heiny, Richard Sanchez, Deb McAdams, Chas Gilder, Pete McFerrin, Ronald Zimmerman, and Rea Bollig.

Delta Municipal Judge Millard Fairlamb read to Council a prepared statement expressing his dissatisfaction with progress on a previous request for an increase in his salary. Mayor Cooper informed the Judge that the request was scheduled for discussion as a personnel matter in Executive Session later on the current meeting's agenda. The Judge did not ask to participate in the Executive Session, but he did ask to be informed of the Council's decision on his request immediately after the entire meeting concluded. Mayor Cooper agreed that a Councilmember should notify the Judge promptly regarding the salary decision.

Jo Ann Wilks addressed Council concerning the City's shut off policy for late utility payments.

Council Bill #1, 2011; First Reading; Prohibiting Establishment and Operation of Certain Medical Marijuana Businesses

Council Bill #1, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ADDING A NEW CHAPTER 8.34 TO THE DELTA MUNICIPAL CODE WHICH PROHIBITS THE ESTABLISHMENT AND OPERATION OF CERTAIN MEDICAL MARIJUANA BUSINESSES WITHIN THE CITY UNDER AUTHORITY CONFERRED BY C.R.S. 12-43.3-101 *ET SEQ.*, AND WHICH EXTENDS AN EXISTING CITY-WIDE MORATORIUM ON SUCH BUSINESSES, AND CONFIRMS THEM TO BE NUISANCES UNDER PRIOR CITY LEGISLATION

was read by the Clerk.

Regular Meeting, Delta City Council, January 18, 2011 (Cont.)

Council Bill #1, 2011; First Reading (Cont.)

At the City Manager's request, the City Attorney and the City Clerk addressed the process and timelines involved in final adoption and publication of the ordinance, and briefly, the process involved in a referendum election on the ordinance after adoption.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #1, 2011 on first reading. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Motion carried.

Hawkins/Myers Lease Renewal

Utilities Director Steve Glammeyer explained that historically, the City has leased City-owned water on Grand Mesa from the Maude S. Ditch and Doughspoon Creek to Lydia Hawkins and Varra Sue Myers for purposes of stock water. The current lease expired in December of 2010, and Ms. Hawkins and Ms. Myers would like to continue the lease for 2011 under the same terms and conditions. Staff recommends approval of the lease for 2011.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to enter into the lease agreement with Ms. Hawkins and Ms. Myers for the use of City water on Grand Mesa for the purposes of stock water. All in favor, motion carried.

City Council Board and Committee Appointments

City Manager Kerby noted that at the last meeting, he had asked Council to review the Board and Committee appointments to see if any changes need to be made. He pointed out that Councilmember Seuell had represented the City at Juvenile Diversion and Region 10 meetings. Council agreed that until an appointment can be made to fill the vacancy in the District C seat left by Mr. Seuell's passing, Councilmember Pfalzgraff would fill the Region 10 position, and Councilmember Jurca would represent the City at Juvenile Diversion meetings.

Procedure for Filling District C Vacancy

Council briefly discussed what procedure should be used to fill the District C vacancy. They agreed to advertise the vacancy and accept applications and letters of interest until the end of business on February 17, 2011. They will conduct interviews prior to the March 1, 2011 regular meeting, with appointment of a new Councilmember to be an agenda item for that meeting.

Devil's Thumb Golf Course Change in Rate Structure

Rob Sanders, PGA and General Manager at Devil's Thumb Golf Club, presented the following proposed changes in rate structure which were discussed in an earlier work session:

- Beginning in 2011, switch all annual memberships to a calendar year, beginning in January and ending in December. To accomplish this transition, current membership holders would hold a prorated membership for 2011 only.
- Maintain current prices for daily green fees, cart fees, annual memberships, punch passes and range fees.
- Offer two options for business packages. Option #1: \$495 for 15 eighteen-hole punch passes for golf, cart and driving range. Option #2: \$975 for 30 eighteen-hole punch passes for golf, cart and driving range.
- Annual cart memberships: \$600 for a single annual cart pass; \$900 for a couple annual cart pass. Both would run from January through December and would be non-transferable.
- Cart punch passes: \$120 for 10 eighteen-hole rounds.

Regular Meeting, Delta City Council, January 18, 2011 (Cont.)

City Attorney Comments

The City Attorney commended Council on how they have handled the controversial medical marijuana issue.

City Manager Comments

At Mr. Kerby's request, Director Glammeyer shared information concerning an upcoming tour of renewable energy resources in Rifle scheduled for February 2, 2011. Interested Councilmembers and staff were invited to attend.

Mr. Glammeyer also reported that staff is considering taking advantage of an opportunity to include a renewable energy piece in its purchased power portfolio. The Municipal Energy Agency of Nebraska has offered all its members the opportunity to participate in a wind facility project in Broken Bow, Nebraska.

The City Manager reported on a recent meeting involving Tri State, Delta Montrose Electric, the City of Delta and Delta County to address concerns about the new transmission line and the County airport.

Mr. Kerby reported that eight responses to the request for proposals for the truck route project have been received.

The City Manager also noted that Delta County Economic Development will host *Business after Hours* at their new location on Thursday, January 20, from 5:30 p.m. to 7:00 p.m.

Councilmember Comments

Councilmember Pfalzgraff acknowledged the passing of Councilmember Bill Seuell.

Councilmember Ed Sisson thanked Boy Scout Troup 481 for attending the meeting.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to convene an Executive Session for the purpose of discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of City Council or any elected official; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a); or more specifically the purchase of real property. All in favor, motion carried.

At 8:17 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 9:24 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Guy Pfalzgraff, Robert Jurca, and Ed Sisson, along with City Manager Joe Kerby, Community Development Director Glen Black (for the purchase of real property discussion), Human Resources Director Jeri Karsten and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open